

REMARKS

The application includes claims 1-26 prior to entering this amendment.

The Examiner withdrew the allowability of claims 1-4 and 10-14 in view of newly discovered reference(s) to Koshiyouji, *et al.*

The applicants amend claims 1-25.

The application remains with claims 1-26 after entering this amendment.

The applicants do not add new matter and respectfully request reconsideration.

Claim Objections

The Examiner objected to claims 1-8 and 10-12.

Applicants have deleted the objected to language in claim 1 and amended claim 10 as suggested by the Examiner. Accordingly, the objections are believed to be moot.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 18-22, 25 and 26 under 35 U.S.C. § 102(b) over Koshiyouji, *et al.* (U.S. Patent 5,150,227) (“Koshiyouji”).

The rejection is traversed; however, applicants amend claims 18-22 and 25 to expedite prosecution. For example, amended claim 18 recites a scanner comprising:

a scanner body;

a scanning platform mounted adjacent to an opening of the scanner body, wherein the scanning platform comprises a scanning surface configured to support a document;

a scan head configured to move in a scanning direction within the scanner body, wherein a length of a longest side of the scan head is smaller than a length of the platform in a direction generally parallel to the scanning surface and generally perpendicular to the scanning direction; and

a light source mounted to the scan head and configured to project light through the opening.

In rejecting claim 18, the Examiner states that the length of the long side of the main frame 22 is smaller than a length of the platform 3. The Examiner appears to be relying on perceived dimensional characteristics of Figures 1 and 2 in rejecting claim 18. Applicants respectfully submit that it is improper to rely on a drawing scale or to interpret Figures 1 and 2 of

Koshiyouji as disclosing certain relational dimensions when they are not fully supported in the figures or by the specification. See MPEP §2125, which states that “When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value.” Furthermore, “[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is silent on the issue.” *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956 (Fed. Cir. 2000).

The carriage device 4 of Koshiyouji is described as being mounted by carriage-supporting members 5 and 6 mounted to opposite sides of the casing 2 (column 3 lines 61-63), wherein front member 6 is attached to the front of the casing 2 (i.e., along the side of the casing 2 including operation panel 18), and wherein rear member 5 is attached to the rear of the casing (i.e. along the side of the casing including guide surface 8). See Figure 1 and col. 3, line 58 to col. 4, line 5. Accordingly, from this description, one skilled in the art would expect to find that the carriage device 4 substantially extends across the length of the casing 2.

Koshiyouji is primarily directed to describing a reading of characters or graphics (abstract), and not with describing or otherwise concerning itself with relative dimensions of the carriage device 4 and the casing 2. Applicant can only surmise that the figures of Koshiyouji were not intended to accurately display dimensional or relational information of these components, but rather to identify the components in a simplified manner to aid its discussion of reading characters.

Furthermore, Applicant respectfully submits that Figure 2 fails to definitively illustrate that the length of the long side of main frame 22 is smaller than a length of the platform 3. The length of the platform 3 in relation to the length of the frame 22 is indeterminate from this perspective since the components are not shown as having any common reference (connection) point. In other words, if the platform 3 was close enough to, or in fact in contact with, the main frame 22, Figure 2 could also be interpreted to show that the platform 3 is smaller than or the same length as the frame 22.

Claim 21 recites a scanning system comprising:

means for moving a scan head in a scanning direction within a scanner body;

means for projecting light through an opening of the scanner body onto a document, wherein a longest length of the means for projecting light is smaller than a length of the opening along a dimension generally perpendicular to the scanning direction of the scan head;

means for scattering the light from the document; and

means for reflecting the light along an optical path between the document and a lens, wherein the light is reflected to the lens as a cone of light.

Koshiyouji illustrates the casing 2 by dashed line in Figure 1, and does not provide sufficient detail or description to disclose means for projecting light through an opening of the scanner body onto a document. Rather, applicants assume that Koshiyouji's platform 3 is mounted to the casing 2, including an opening that is substantially smaller than the platform 3 (see for example applicant's Figure 1). As applicants have already argued that the figures of Koshiyouji are inclusive as to the relative lengths of the platform 3 and the carriage device 4, applicants further submit that any conclusion as to a relative length of an opening in the casing 2 also lacks support. Additionally, applicants submit that Koshiyouji fails to disclose means for reflecting the light along an optical path between the document and a lens, wherein the light is reflected to the lens as a cone of light, as recited by claim 21.

Claims 19, 20, 22, 25, and 26 are believed allowable as depending on claims 18 or 21, in addition to the further novel features recited therein. For example, claim 20 recites the scanner of claim 18, further comprising a photo-sensor positioned inside the scan head, wherein the plurality of reflective mirrors are configured to reflect the light onto the photo-sensor as a cone of light, wherein each of the plurality of reflecting mirrors have a longest side associated with the different lengths, and wherein the longest side fits within the cone of light. Accordingly, applicants respectfully request withdrawal of the rejection of claims 18-22, 25, and 26.

The Examiner rejected claims 9 and 15-17 under 35 U.S.C. §102(b) over Han (U.S. Patent 5,986,774) ("Han").

Amended claim 9 recites, in part, a scanner comprising:

a scanner head configured to move along a scanning direction generally perpendicular to the length of the opening; and

a light source mounted within the outer casing on the scanner head and configured to project light through the opening section onto a document to be scanned, wherein a longest side of the light source is shorter than the length of the opening.

Han describes a transparency adapter externally connected to a scanner by magnets (abstract). The light source associated with the adapter 54 is therefore located external to the housing 22 (column 4 lines 19-22). Accordingly, Han fails to disclose a light source mounted within the outer casing. As Han fails to disclose each and every feature recited by claim 9, applicants respectfully request withdrawal of the rejection of claims 9 and 15-17, which depend on claim 9.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-8, 10-14, 23, and 24 under 35 U.S.C. § 103(a) over Koshiyouji variously in view of applicants' allegedly admitted prior art or in view of Tanaka, *et al.* (U.S. Patent 5,973,797) ("Tanaka").

The rejection is traversed; however, applicants amend claims 1-8 and 10-14 to expedite prosecution. For example, amended claim 1 recites a scanner comprising:

- a scanner casing having an opening;
- a scanning head configured to move along a scanning direction within the scanner casing; and
- a light source mounted on the scanning head, wherein the light source is configured to project light through the opening of the scanner casing, and wherein a longest side of the light source is smaller than the opening along a dimension generally perpendicular to the scanning direction of the scanning head.

Claim 1 is believed to distinguish over Koshiyouji for similar reasons as provided above with respect to claim 21. Applicants' allegedly admitted prior art drawings fail to cure the deficiencies of Koshiyouji in that they also fail to disclose a light source mounted on a scanning head, wherein the light source is configured to project light through an opening of a scanner casing, and wherein a longest side of the light source is smaller than the opening along a dimension generally perpendicular to the scanning direction of the scanning head (see Figures 1-3). Tanaka similarly fails to cure the deficiencies of Koshiyouji. Claims 5 and 10 are believed to be allowable for similar reasons as claim 1. Claims 2-4, 6-8, and 11-14 are believed allowable as depending on claims 1, 5, or 10, as well as the further novel features recited therein.

For example, claim 6 recites the method of claim 5, wherein the plurality of reflecting mirrors are sized to fit within a cone of light projected onto the lens. Koshiyouji fails to disclose

a cone of light. Applicants' allegedly admitted prior art drawings fail to cure the deficiencies of Koshiyouji. For example, in Figure 2, one of the mirrors 114 extends beyond the cone of light. Tanaka similarly fails to cure the deficiencies of Koshiyouji. Accordingly, applicants respectfully request withdrawal of the rejection of claims 1-8 and 10-14.

Any statements made by Examiner that are not addressed by applicants do not necessarily constitute agreement by the applicants. In some cases, applicants may have amended or argued the allowability of independent claims thereby obviating grounds for rejection of the dependent claims.

Conclusion

For the foregoing reasons, the applicants respectfully request reconsideration and allowance of claims 1-26. The applicants encourage the Examiner to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP



Bryan D. Kirkpatrick
Reg. No. 53,135

STOLOWITZ FORD COWGER LLP
621 SW Morrison Street, Suite 600
Portland, OR 97205
(503) 224-2170